

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

IN RE ATRIUM C-QUR MESH
PRODUCTS LIABILITY LITIGATION

MDL No. 2753

2019 AUG 27 P 3:58

This document relates to: *All actions*

Hon. Landya M. McCafferty

**MOTION TO SEAL DEFENDANT GETINGE AB'S
OBJECTIONS TO PLAINTIFFS' MOTION IN LIMINE TO EXCLUDE EXPERT
TESTIMONY RELATED TO SOLVENCY OF ATRIUM MEDICAL CORPORATION**

Pursuant to CMO 3E, Defendants Getinge AB and Atrium Medical Corp. ("Atrium") hereby move for Level I sealing, permanently sealing portions of Defendant Getinge AB's forthcoming Objections to Plaintiff's Motion in Limine to Exclude Defendant's Expert Testimony Related to Solvency of Atrium Medical Corporation, as well as highlighted portions of Exhibit B thereto (Plaintiff's Expert Dana Messina's Deposition Transcript). Getinge AB and Atrium have conferred with Plaintiffs regarding this Motion, but Plaintiffs have not responded whether they assent. As grounds for their motion, Getinge AB and Atrium state as follows:

1. Getinge AB and Atrium have moved to seal portions of Plaintiffs' Motion in Limine to Exclude Defendant's Expert Testimony Related to Solvency of Atrium Medical Corporation and the exhibits thereto. (Dkt. 1122.) Those exhibits consisted of the deposition transcripts of Getinge AB's experts Alex Fernandez and Prof. John Orcutt, as well as the report of Plaintiffs' expert Dana Messina. Getinge AB and Atrium maintain that sealing is warranted because the reports and testimony of the parties' experts discuss confidential financial information of Atrium that is likely to cause competitive harm if it is publicly disclosed.

2. Getinge AB and Atrium now wish to file the deposition transcript of Mr. Messina in opposition to Plaintiffs' motion. Mr. Messina's deposition transcript involves substantially the same confidential matters concerning Atrium's financial information, as the documents subject to

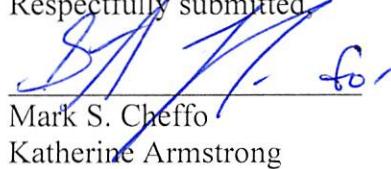
Getinge AB's Objections to the Motion necessarily discuss the expert testimony of Getinge AB's experts Alex Fernandez and Prof. John Orcutt, as well as Plaintiffs' expert Dana Messina, on the issue of Atrium's solvency and other matters in connection with Getinge AB's renewed motion to dismiss for lack of personal jurisdiction. Accordingly, to avoid duplication, Getinge AB and Atrium incorporate by reference the arguments made in their Motion to Seal dated August 16, 2019 to support sealing of Mr. Messina's deposition transcript (Dkt. 1122). Likewise, for the same reasons, Getinge AB and Atrium request that the Court grant it leave to file portions of its Objections that refer to those confidential documents subject to appropriate redactions.

3. Due to the procedural nature of this motion, no separate memorandum of law is required.

WHEREFORE Getinge AB and Atrium Medical Corporation respectfully request that the Court (1) defer any determination on the confidentiality of Getinge AB's documents until after it has determined its jurisdiction over Getinge AB; and/or (2) order that the highlighted portions of Getinge AB's Objections to Plaintiff's Motion in Limine to Exclude Defendant's Expert Testimony Related to Solvency of Atrium Medical Corporation, and Exhibit B be permanently sealed (Level I).

Dated: August 27, 2019

Respectfully submitted,

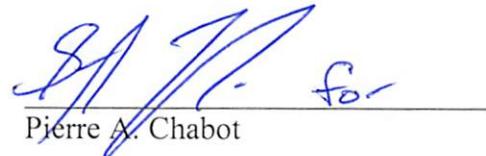

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ~~Assented to~~ Motion to Seal, with accompanying Exhibits, was this day sent by electronic mail to Russell Hilliard, Plaintiffs' Liaison Counsel, as well as Jonathan Orent, Plaintiffs' Lead Counsel.



Pierre A. Chabot